

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08 C 45

Defendant.

In the Circuit Court of Cook County,
Illinois, Municipal Department

2. This Notice of Removal is filed in accordance with 28 U.S.C. §2679(d) upon certification by the designee of the Attorney General of the United States, that the defendant, Perry Painter, was

acting within the scope of his employment as a federal government employee at the time of the incident out of which the claim arose. *See* Certification attached as Exhibit B.

3. Notice of removal may be filed without bond at any time before trial. Trial has not been had in this action.

4. Pursuant to the Certification by the Attorney General's designee and the filing of this Notice of Removal, this civil action shall be deemed an action against the United States under 28 U.S.C. §2679, and the United States shall be substituted as the party defendant.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois, is properly removed to this United States District Court pursuant to 28 U.S.C. §2679(d).

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/Pierre C. Talbert
PIERRE C. TALBERT
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-4088
pierre.talbert@usdoj.gov

Dated: January 3, 2008